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Report.....Feb.14,1912

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Calendar No. 303.

62D CONGRESS }
2d Session }

SENATE

{ REPORT
No. 355 }

SERVICE PENSION

REPORT

OF THE

COMMITTEE ON PENSIONS

TOGETHER WITH THE

VIEWS OF A MINORITY

ON

H. R. 1

AN ACT GRANTING A SERVICE PENSION TO CERTAIN
DEFINED VETERANS OF THE CIVIL WAR
AND THE WAR WITH MEXICO



PRESENTED BY MR. McCUMBER

FEBRUARY 14, 1912.—Ordered to be printed

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Calendar No. 303.

62D CONGRESS, }
2d Session. }

SENATE.

} REPORT
No. 355.

SERVICE PENSIONS FOR CERTAIN DEFINED SOLDIERS OF THE CIVIL WAR.

FEBRUARY 14, 1912.—Ordered to be printed.

Mr. McCUMBER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 1.]

The Committee on Pensions, to whom was referred the bill (H. R. 1) entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," beg leave to report the same back with an amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. That any person who served ninety days or more in the military or naval service of the United States during the Civil War, who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts; according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years and served ninety days, thirteen dollars per month; six months, thirteen dollars and fifty cents per month; one year, fourteen dollars per month; one and a half years, fourteen dollars and fifty cents per month; two years, fifteen dollars per month; two and a half years, fifteen dollars and fifty cents per month; three years or over, sixteen dollars per month. In case such person has reached the age of sixty-six years and served ninety days, fifteen dollars per month; six months, fifteen dollars and fifty cents per month; one year, sixteen dollars per month; one and a half years, sixteen dollars and fifty cents per month; two years, seventeen dollars per month; two and a half years, seventeen dollars and fifty cents per month; three years or over, eighteen dollars per month. In case such person has reached the age of seventy years and served ninety days, eighteen dollars per month; six months, nineteen dollars per month; one year, twenty dollars per month; one and a half years, twenty-one dollars per month; two years, twenty-two dollars per month; two and a half years, twenty-three dollars per month; three years or over, twenty-four dollars per month. In case such person has reached the age of seventy-five years and served ninety days, twenty-one dollars per month; six months, twenty-two dollars and fifty cents per month; one year, twenty-four dollars per month; one and a half years, twenty-five dollars and fifty cents per month; two years, twenty-seven dollars per month; two and a half years, twenty-eight dollars and fifty cents per month; three years or over, thirty dollars per month.

That any person who has served sixty days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of thirty dollars per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are sixty-two years of age or over and who are now receiving pensions under existing laws or whose claims are pending in the Bureau of Pensions may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than five dollars, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions, out of the amount allowed, and by the pension agent making payment of such pension, and no agent, attorney, or other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than two dollars shall be allowed or paid in any claim for increase of pension under this act.

SEC. 4. That the Commissioner of Pensions shall make at the time of submitting his next annual report a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made.

In the amendment proposed by your committee is involved the prime purpose of our pension system. A word upon that system and its purpose may therefore be proper.

Prior to 1890 all pension legislation relative to the survivors of the Civil War recognized only specific disabilities incurred in line of duty.

By the act of June 27, 1890, the requirement that a disability should be of service origin was abandoned, and there was substituted in its stead incapacity to perform manual labor, whether such incapacity was due to service or otherwise. This act provided a pension for such disability ranging from \$6 to \$12 per month. It required but a service of 90 days and was the first purely service pension legislation applied to the Civil War veterans.

The establishing of grades of disability to perform manual labor under this law was difficult and unsatisfactory, and as the age of the claimant advanced the difficulty increased. It finally became necessary to measure the disability by the age test, and Executive Order No. 78 was issued in March of 1904. This order provided that in the adjudication of pension claims under the act of June 27, 1890, age

should be taken into consideration in determining disability; that at the age of 62 the soldier should be considered to be one-half disabled for the performance of manual labor, at the age of 65 two-thirds disabled, at the age of 68 five-sixths disabled, and at the age of 70 totally disabled and should receive for said disabilities \$6, \$8, \$10, and \$12 per month, respectively. This order was afterwards enacted into our pension legislation and was the forerunner of the age standard in subsequent legislation.

The act of June 27, 1890, also provided a pension of \$8 per month for all widows whose marriage had taken place prior to that date and (as amended by act of May 9, 1900) whose net income was not above \$250 per annum.

There was no material change in our general pension laws from June 27, 1890, until February 6, 1907, a period of nearly 17 years.

By the act of February 6, 1907, a very great advance step in broadening and liberalizing our pension laws was taken. Prior to that time the youngest and the oldest veteran were treated alike except as their pensions were graded by this order, No. 78.

By the act of February 6, 1907, we recognized advancing years as bringing with them increasing disabilities. Up to and including this period pensions were granted upon the assumption that the claimant was disabled and that the Government in its gratitude for his great services in its time of need should extend the hand of assistance.

The act of February 6, 1907, was solely an age pension and granted pensions to all who had served 90 days as follows: At the age of 62 years, \$12 per month; 70 years, \$15 per month; and 75 years, \$20 per month.

The act of April 19, 1908, abolished the income provision, which had always been of questionable propriety, and the pension of every widow included in its provisions was increased to \$12 per month.

By the acts of February 6, 1907, and April 19, 1908, the services of the physical and the financial examiner were discontinued. Industry and economy were no longer penalized; and the soldier of the most extended hospital record had no advantage over him of the most extensive field record.

No pension act has ever given such general satisfaction as the act of February 6, 1907; and yet this act has of late been subject to some criticism. In all of our past pension laws the 90-day soldier stands exactly on the same footing as the four-year soldier. House bill 1 seeks to remedy this by the enactment of a purely service-pension law.

From careful inquiry your committee believes that whatever degree of popularity this bill has obtained is due more to the amount carried by it than to the basis upon which the amount carried is distributed.

No standard can be adopted that will operate with exact justice to each and every soldier. Many soldiers of short service were hurried immediately into the desperate warfare which marked the last year of the campaign.

If a pension should be granted based upon the severity of the hardships or sufferings which the soldier endured in each case, there would be as many different amounts allowed as there are names on the pension roll.

We may properly ask here, What is the fundamental idea back of pension legislation? We believe we express the concensus of the public idea in our answer, that it is national gratitude. This gratitude seeks, in our pension laws, the most proper mode of expression. Its first and its most natural impulse is toward the relief of suffering and destitution. It recognizes that destitution flows from disability.

If our pension legislation had no deeper significance or sentiment than a sort of moral obligation to pay for services a fixed rate per month, then a pension based solely upon length of service might properly be enacted. But if such legislation springs from the sentiment we have indicated, then it is certain that length of service should not be the sole standard in fixing the rate in any particular case.

We do not claim that a pension, varied in amount according to the length of service, does not harmonize with the spirit that is back of all pension legislation. We simply claim that making it the sole standard smacks too much of the idea of hire. Other things being equal, it may very properly be said that the longer the service given in defense of the country the greater should be the gratitude of that country. The committee agree that we will more nearly approximate exact justice, and more nearly measure out to each soldier that sum which his services entitle him to receive from a given appropriation, by adopting both standards, or a double standard which shall recognize both advancing age and length of service.

A resolution adopted by the Grand Army of the Republic at its last encampment indicates clearly the tenacity with which that organization holds to the principle of a pension law which recognizes the disability of age.

The chairman of the Senate Committee on Pensions prepared a large number of separate propositions with varying combinations of the age and service standards and submitted each proposition to the Interior Department to obtain the added cost of pension legislation, and also requested of the department an estimate of the added cost of House bill 1.

The eleventh proposition, containing the double standard, which was introduced in the form of a bill in Senate bill 4320, in tabulated form, is as follows:

Eleventh proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years.....	\$13	\$14	\$15	\$16
66 years.....	15	16	17	18
70 years.....	18	20	22	24
75 years.....	21	24	27	30

The report of the added cost of this proposition, in years, is as follows:

Report on eleventh proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days.....	32,708	\$12	\$13	\$12	\$392,496
62	1 year.....	27,807	12	14	24	667,368
62	2 years.....	25,186	12	15	36	906,696
62	3 years and over.....	27,921	12	16	48	1,340,208
66	90 days.....	36,966	12	15	36	1,330,776
66	1 year.....	31,427	12	16	48	1,508,496
66	2 years.....	28,465	12	17	60	1,707,900
66	3 years and over.....	31,556	12	18	72	2,272,032
70	90 days.....	31,590	15	18	36	1,137,240
70	1 year.....	26,857	15	20	60	1,611,420
70	2 years.....	24,325	15	22	84	2,043,300
70	3 years and over.....	26,967	15	24	108	2,912,436
75	90 days.....	19,831	20	21	12	237,972
75	1 year.....	16,860	20	24	48	809,280
75	2 years.....	15,270	20	27	84	1,282,680
75	3 years and over.....	16,929	20	30	120	2,031,480
Total.....		420,665				22,191,780

Average annual increase per pensioner.....	\$52.75
Approximate increase in disbursements for pensions:	
First year.....	10,550,000.00
Second year.....	30,500,000.00
Third year.....	19,500,000.00
Fourth year.....	17,500,000.00
Fifth year.....	16,000,000.00

This bill (S. 4320), modified by divisions of six months' periods of service, is the one adopted by the committee as a substitute for H. R. 1. The thirteenth proposition submitted is as follows:

Thirteenth proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years.....	\$12	\$15	\$18	\$21
66 years.....	15	18	21	24
70 years.....	18	21	24	27
75 years.....	21	24	27	30

The report on the thirteenth proposition is as follows:

Report on thirteenth proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	1 year.....	27,807	\$12	\$15	\$36	\$1,001,052
62	2 years.....	25,186	12	18	72	1,813,392
62	3 years and over.....	27,921	12	21	108	3,015,468
66	90 days.....	36,966	12	15	36	1,330,776
66	1 year.....	31,427	12	18	72	2,262,744
66	2 years.....	28,465	12	21	108	3,074,220
66	3 years and over.....	31,556	12	24	144	4,544,064
70	90 days.....	31,590	15	18	36	1,137,240
70	1 year.....	26,857	15	21	72	1,933,704
70	2 years.....	24,325	15	24	108	2,627,100
70	3 years and over.....	26,967	15	27	144	3,883,248
75	90 days.....	19,831	20	21	12	237,972
75	1 year.....	16,800	20	24	48	809,280
75	2 years.....	15,270	20	27	84	1,282,680
75	3 years and over.....	16,929	20	30	120	2,031,480
Total.....		387,957				30,984,420

Average annual increase per pensioner.....	\$79.87
Approximate increase in disbursements for pensions:	
First year.....	15,974,000.00
Second year.....	41,000,000.00
Third year.....	27,000,000.00

A hearing was had on all of the general pension bills on January 22, 1912, at which hearing the members of the committee on pensions of the Grand Army of the Republic testified. Prior to the giving of their testimony they had met and by resolution declared themselves in favor of the thirteenth proposition, and the testimony of each and all of these members supported the idea of the double standard.

From the hearings and from a very considerable correspondence with veterans of the Civil War, it developed that while nearly all preferred the double standard, a very large number preferred to have divisions of six months rather than one year, as contemplated in these propositions. The tables were therefore rearranged in accordance with this idea and the eleventh proposition, as rearranged, was submitted as proposition No. 16, and is as follows:

Sixteenth proposition (eleventh modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62.....	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50	\$16.00
66.....	15.00	15.50	16.00	16.50	17.00	17.50	18.00
70.....	18.00	19.00	20.00	21.00	22.00	23.00	24.00
75.....	21.00	22.50	24.00	25.50	27.00	28.50	30.00

The report on the sixteenth proposition is as follows:

Proposition No. 16.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days.....	9,573	\$12.00	\$13.00	\$12.00	\$114,876.00
62	6 months.....	23,135	12.00	13.50	18.00	416,430.00
62	1 year.....	15,043	12.00	14.00	24.00	361,032.00
62	1½ years.....	12,764	12.00	14.50	30.00	382,920.00
62	2 years.....	7,294	12.00	15.00	36.00	262,584.00
62	2½ years.....	17,892	12.00	15.50	42.00	751,464.00
62	3 years and over.....	27,921	12.00	16.00	48.00	1,340,208.00
66	90 days.....	10,819	12.00	15.00	36.00	389,484.00
66	6 months.....	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year.....	17,002	12.00	16.00	48.00	816,096.00
66	1½ years.....	14,426	12.00	16.50	54.00	779,004.00
66	2 years.....	8,243	12.00	17.00	60.00	494,580.00
66	2½ years.....	20,222	12.00	17.50	66.00	1,334,652.00
66	3 years and over.....	31,556	12.00	18.00	72.00	2,272,032.00
70	90 days.....	9,271	15.00	18.00	36.00	333,756.00
70	6 months.....	22,405	15.00	19.00	48.00	1,075,440.00
70	1 year.....	14,569	15.00	20.00	60.00	874,140.00
70	1½ years.....	12,361	15.00	21.00	72.00	889,992.00
70	2 years.....	7,064	15.00	22.00	84.00	593,376.00
70	2½ years.....	17,328	15.00	23.00	96.00	1,663,488.00
70	3 years and over.....	27,041	15.00	24.00	108.00	2,920,428.00
75	90 days.....	5,804	20.00	21.00	12.00	69,648.00
75	6 months.....	14,027	20.00	22.50	30.00	420,810.00
75	1 year.....	9,121	20.00	24.00	48.00	437,808.00
75	1½ years.....	7,739	20.00	25.50	66.00	510,774.00
75	2 years.....	4,422	20.00	27.00	84.00	371,448.00
75	2½ years.....	10,848	20.00	28.50	102.00	1,106,496.00
75	3 years and over.....	16,929	20.00	30.00	120.00	2,031,480.00
	Total.....	420,965				24,112,578.00

Average annual increase per pensioner.....	\$57.27
Approximate increase in disbursements for pensions:	
First year.....	11,454,000.00
Second year.....	33,000,000.00
Third year.....	21,000,000.00
Fourth year.....	19,200,000.00
Fifth year.....	17,400,000.00

The thirteenth proposition as rearranged was submitted as the eighteenth proposition and is as follows:

Eighteenth proposition (thirteenth modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62.....	\$12.00	\$13.50	\$15.00	\$16.50	\$18.00	\$19.50	\$21.00
66.....	14.00	15.50	17.00	18.50	20.00	21.50	23.00
70.....	16.00	17.50	19.00	20.50	22.00	23.50	25.00
75.....	20.00	21.50	23.00	24.50	26.00	28.00	30.00

The report on the eighteenth proposition is as follows:

Proposition No. 18.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	6 months.....	23,135	\$12.00	\$13.50	\$18.00	\$416,430.00
62	1 year.....	15,043	12.00	15.00	36.00	541,548.00
62	1½ years.....	12,764	12.00	16.50	54.00	689,256.00
62	2 years.....	7,294	12.00	18.00	72.00	525,168.00
62	2½ years.....	17,892	12.00	19.50	90.00	1,610,280.00
62	3 years and over.....	27,921	12.00	21.00	108.00	3,015,468.00
66	90 days.....	10,819	12.00	14.00	24.00	259,656.00
66	6 months.....	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year.....	17,002	12.00	17.00	60.00	1,020,120.00
66	1½ years.....	14,426	12.00	18.50	78.00	1,125,228.00
66	2 years.....	8,243	12.00	20.00	96.00	791,328.00
66	2½ years.....	20,222	12.00	21.50	114.00	2,305,308.00
66	3 years and over.....	31,556	12.00	23.00	132.00	4,165,392.00
70	90 days.....	9,271	15.00	16.00	12.00	111,252.00
70	6 months.....	22,405	15.00	17.50	30.00	672,150.00
70	1 year.....	14,569	15.00	19.00	48.00	699,312.00
70	1½ years.....	12,361	15.00	20.50	66.00	815,826.00
70	2 years.....	7,064	15.00	22.00	84.00	593,376.00
70	2½ years.....	17,328	15.00	23.50	100.00	1,767,456.00
70	3 years and over.....	27,041	15.00	25.00	120.00	3,244,920.00
75	6 months.....	14,027	20.00	21.50	18.00	252,486.00
75	1 year.....	9,121	20.00	23.00	36.00	328,356.00
75	1½ years.....	7,739	20.00	24.50	54.00	417,906.00
75	2 years.....	4,422	20.00	26.00	72.00	318,384.00
75	2½ years.....	10,843	20.00	28.00	96.00	1,041,408.00
75	3 years and over.....	16,929	20.00	30.00	120.00	2,031,480.00
	Total.....	405,588				29,857,626.00

Average increase per pensioner.....	\$73.61
Approximate increase in disbursements for pensions:	
First year.....	14,722,000.00
Second year.....	40,373,907.00
Third year.....	26,184,034.00
Fourth year.....	24,000,000.00
Fifth year.....	22,000,000.00

The report on the added cost to the pension appropriation, by reason of enactment of H. R. 1 as it passed the House, is as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
3 months.....	143	\$6	\$15	\$108	\$15,444
	205	8	15	84	17,220
	185	10	15	60	11,100
	20,422	12	15	36	735,192
6 months.....	702	14	15	12	8,424
	124	6	20	168	20,832
	183	8	20	144	26,352
	165	10	20	120	19,800
9 months.....	18,234	12	20	96	1,750,464
	627	14	20	72	45,144
	8,255	15	20	60	495,300
	189	16	20	48	9,072
1 year and over.....	1,908	17	20	36	68,688
	206	6	25	228	46,068
	305	8	25	204	62,220
	275	10	25	180	49,500
1 year and over.....	30,391	12	25	156	4,740,996
	1,044	14	25	132	137,808
	13,758	15	25	120	1,650,960
	315	16	25	108	34,020
	3,180	17	25	96	305,280
	8,971	20	25	60	538,260
	182	22	25	36	6,552
	3,893	24	25	12	46,716
	1,169	6	30	288	336,672
	1,732	8	30	264	457,248
	1,564	10	30	240	375,360
	172,621	12	30	216	37,285,136
5,932	14	30	192	1,138,944	
78,148	15	30	180	14,086,640	
1,787	16	30	168	300,216	
18,063	17	30	156	2,817,828	
152,351	20	30	120	6,282,120	
1,036	22	30	96	99,456	
22,113	24	30	72	1,582,136	
958	25	30	60	57,480	
Total.....	471,336				75,651,548

¹ Includes 1,398 survivors of the War with Mexico.

Average increase per annum per pensioner is.....	\$160.50
Approximate increase in disbursements for pensions:	
First year.....	32,000,000.00
Second year.....	86,500,000.00
Third year.....	59,000,000.00
Fourth year.....	54,500,000.00
Fifth year.....	50,000,000.00
Sixth year.....	45,500,000.00

The last official estimate of national income and expense for the year ending June 30, 1913, gives us a balance of income over expense, exclusive of Panama Canal disbursements, of about \$30,000,000. Assuming that we will be able to maintain the relation of income to expense during the following year, with the practice of a little more rigid economy we could probably expend \$33,000,000 in addition to the present cost of pensions for the year ending June 30, 1914, without the necessity of issuing bonds to cover the increased expenses.

Your committee adopted the sixteenth proposition rather than the eighteenth because of our belief that we could increase our appropriation \$33,000,000 without a bond issue.

The cause of the second year's appropriation being so much greater than either the first or the third is that the bureau under ordinary conditions will handle about 200,000 applications a year; and it is

safe to say that 400,000 would be filed within the first year, and therefore the second year would carry the arrears of about 200,000. Of course, this depends upon what time in the year the bill becomes a law. We believe that if we can pass this amended bill before the summer months the bureau will be able to handle more than 200,000 cases the first year. We will thereby increase the estimated additional cost for the first year several million dollars and decrease the second year's estimate an equivalent amount, and thus keep clearly within our income.

Your committee, in reporting a bill which shall carry an additional average annual appropriation for pensions during the next five years of \$20,410,000 per year in the place of House bill 1, which would require an additional average expenditure of \$56,600,000 per annum, and which ignores what we regard as a very proper element in granting pensions, the disabilities of age, are animated by a desire to at all times maintain a strong sentiment on the part of the public toward this increase, and further future increases of pensions, and which sentiment might, to some extent, at least, be jeopardized by advancing pension appropriations in a single bill, so rapidly as to necessitate a bond issue to meet its requirements. We believe that the interests of the soldiers will be better subserved, and that we shall in the end accomplish more for the comfort of the veterans of the Civil War if we shall advance step by step, keeping within the Government's income under economic administration.

The provisions relating to the Mexican War veterans are the same as those contained in the House bill.

The majority of your committee supported another amendment which recognizes the right of pension attorneys to represent their clients in cases where it was thought proper that a soldier claimant should be entitled to legal service, as indicated in section 3. The amendment is carefully guarded so that in no case can anything but a nominal charge be made. We believe that this amendment will in many instances be beneficial, and that in no case can it operate to do an injustice to any veteran.

The majority of the committee deemed it advisable to further amend our general legislation with reference to publication of names of pensioners on the rolls as indicated in the foregoing amendment, section 4.

As amended the committee report the bill favorably and recommend that it pass.

SERVICE PENSION.

FEBRUARY 14, 1912.—Ordered to be printed.

Mr. CURTIS (for himself, Mr. BROWN, Mr. SHIVELY, Mr. POINDEXTER, and Mr. JOHNSON), from the Committee on Pensions, submitted the following

VIEWS OF A MINORITY.

[To accompany H. R. 1.]

We, the undersigned, being a minority of the Senate Committee on Pensions, present this report after a careful consideration of the various pension bills or propositions which were presented to the committee.

We hope each Senator will duly consider the two propositions pending before the Senate, to wit: House bill 1, better known as the Sherwood bill, and the Senate proposition, known as the Smoot substitute, believing if they do they will vote down the substitute and pass the Sherwood bill.

There are many reasons why we favor the Sherwood bill. In the first place it does partial justice to a large number of Union soldiers who served one year and over, by giving them a dollar-a-day pension, and it will give an increase to a very large number of men who served less than one year, while the substitute will give a dollar a day to only those soldiers who have arrived at the age of 75 years and who had a service of three years and over.

Under the Sherwood bill most of the pension examining boards could be done away with and fewer special examiners would be required.

Under the Sherwood bill, after the new certificates are issued no expense will be incurred for the issuance of new certificates to those drawing pension under it, but under the substitute new certificates must be issued as the pensioners below 75 years of age advance in years.

The opposition to the Sherwood bill is based upon the ground that it will carry a large appropriation, but we do not believe it just to the Union soldiers to measure their service in dollars and cents. We believe they are entitled to liberal pensions regardless of the size of the appropriation.

But, after carefully considering the subject, we believe the estimates of the Pension Bureau as to the cost of the Sherwood bill are too high, because they are based on a report over 20 years old, while the figures given by Mr. Sherwood are based upon data taken from the records of the War Department.

We believe that if the Sherwood bill is enacted into law many of those whose pensions will be increased to \$30 per month and who are now inmates of soldiers' homes will return to their own homes and firesides.

We believe its enactment into law will greatly decrease the requests for the introduction of private pension bills. While the substitute gives increases to each of the pensioners, yet we do not believe such increases are as large and substantial as they should be under all the circumstances.

We ask you, in considering this question, to remember the debt this Nation owes to the Union soldier; to remember that of that grand army of brave men who offered their lives to preserve the Union it is estimated that at least 36,000 will answer the last roll call this year, and to remember, further, that if anything is going to be done for them, now is the time to do it.

We recommend the defeat of the substitute reported by a majority of the committee and ask for the passage of House bill 1, known as the Sherwood bill.

All of which is respectfully submitted.

CHARLES CURTIS.
NORRIS BROWN.
BENJ. F. SHIVELY.
MILES POINDEXTER.
CHARLES F. JOHNSON.

SERVICE PENSION.

FEBRUARY 19, 1912.—Ordered to be printed.

MR. BRYAN, from the Committee on Pensions, submitted the following

VIEWS.

[To accompany H. R. 1.]

This bill enjoys the unusual distinction of not having the support of a majority of the committee which reports it.

Of the 14 members comprising the committee 5 have signed a minority report because they prefer the House bill, and the Senator from Oklahoma, Mr. Gore, and myself are recorded as being opposed to both the bill reported by the committee and the House bill.

The House bill recognizes service only. The bill reported by the committee combines age with length of service.

The majority report complains that a service pension "smacks too much of the idea of hire." In the views of the minority, favoring the Sherwood bill, the idea of measuring military service by money is condemned. Yet that is exactly the thing both bills, when analyzed, undertake to do.

The central idea running through the hearings and through both reports is that we are engaged in paying a debt.

If we owe the soldiers of the Civil War a debt that can be paid in money, then the theory of the Sherwood bill is correct.

If mere enlistment for 90 days, regardless of actual service, to be more highly rewarded by "national gratitude" if the soldier enlisted at the age of 25 instead of at 20, ought to be the test, then the bill reported may be conceded to be correct in principle.

Both of these ideas have already found expression in our pension legislation--singly and in combination. It can not truthfully be said, measured by either or both of these standards, that this Government has failed in its obligation.

Mr. Samuel S. Burdett, Past Commander in Chief of the Grand Army of the Republic, at the hearing before your Committee on Pensions made this statement: "If nothing else in our favor were ever done in our day, it never could be said, to-day or in any to-morrow, that the people of the United States were ungrateful to those who served them."

So, therefore, it is not the purpose of either the Sherwood bill or the bill reported, to establish any new principle. It is not a question of principle or of "national gratitude." It is purely a question of more money. A member of the legislative committee of the Grand Army of the Republic accurately expressed the "principle" involved in this bill in the following apt language:

Of course, I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course, I should favor that myself. It was unanimous with the committee of which I have the honor to be a member.

If \$150,000,000 per annum is not a sufficient expression of appreciation, would an additional annual appropriation of \$25,000,000 make it so? If not, how much would?

Confessedly, the only restraining influence upon the committee is the revenues of the Government, and so this bill is proposed upon the assumption that all these large professions about the reduction of our present tariff laws are not meant to be kept.

This bill undertakes to reconcile two irreconcilable elements, viz, age and length of service. Its incongruities are well illustrated by the statement of former Congressman Gardner, of Michigan, as follows:

There were over 600,000, as I recall—I could refer to it specifically if necessary—that served three months or less—90-day militia. * * * I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?

Mr. McELROY. Oh, quite a number of them never saw any fighting, and never heard a cannon.

Mr. GARDNER. Many of them never fired a gun. I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days and received no permanent disability from wounds or anything resulting from his service is not entitled to rank with the man who served two, three, or four years at the front.

It is refreshing that if the bill must pass as reported the names of the pensioners will be made public. It is to be hoped that an aroused public sentiment may hereafter save to the meritorious and the needy pensioners the humiliation of making common cause with the undeserving whose military service was at best nominal.

If we would take thought of the people who have to pay pensions as well as of those who receive them, if we would limit payment to those who suffered injury because of service in the war and who are therefore entitled to governmental aid, we would remedy the injustices now perpetrated in the name of patriotism.

N. P. BRYAN.

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